

## REMARKS

The Office Action dated December 15, 2006 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 7 and 10-38 are pending in this application. By this Amendment, claims 1-6 and 8-9 have been canceled without prejudice or disclaimer, and claims 11-38 have been added. New claims 11-38 are supported in the specification by at least page 23, line 22, to page 24, line 11, and by Fig. 5.

Claims 1-5 and 8 stand rejected under 35 U.S.C. §112, second paragraph. This rejection is moot because the relevant claims have been canceled.

Claims 1-10 stand rejected under 35 U.S.C. §103(a) over Li (U.S. Patent No. 6,278,216) in view of Heidelberg (U.S. Pat. No. 4,754,207) and further in view of Mongeau (U.S. Patent No. 5,917,295). The rejection is respectfully traversed.

With regard to independent claims 7 and 10, the applied references fail to show, describe, teach, or suggest a vehicle or method involving an electric motor having a motor control scheme that can be dynamically adapted ... to form an adapted control scheme. The Office Action at page 6 asserts that Li shows a motor control system in Fig. 12 that has a processor MPU. The Office Action further asserts, without support, that Li's processor MPU "obviously would be dynamically adapted to ... form an adapted control scheme."

The Office Action fails to establish a *prima facie* case of obviousness because it fails to establish a motivation for the asserted modification of the Li motor. Specifically, no motivation is provided as to why a skilled person would modify the Li motor to make its operation change from a first motor control scheme to a second, adapted, motor control scheme. Li fails to show or describe a motor having two control schemes, and the secondary references fail to remedy Li's deficiency. As no source for the asserted modification is provided in the Office Action or the applied references, it appears that the basis for the modification is Applicants' specification, which is improper hindsight reasoning.

"Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP §2143.01 (emphasis added). The Office Action fails to provide any objective support for its assertion. Accordingly, it is assumed that the Office Action relies on "common knowledge" to support the asserted

modification of Li. Applicants traverse the Office Action's obviousness assertion because it is not supported and because it derives from Applicants' own application. As stated in MPEP §2144.03(C), the Examiner must support factual assertions with adequate evidence if challenged by Applicants. The Office Action fails to provide that evidence and, accordingly, fails to establish a *prima facie* case of obviousness.

For the foregoing reasons, the applied references, alone or in combination, fail to show, describe, teach, or suggest all of the features recited in independent claims 7 and 10, as a whole. It is respectfully requested that the rejection be withdrawn.

With regard to new claims 11-38, these claims are allowable for at least the reasons set forth above with regard to claims 7 and 10.

With regard to the canceled claims, Applicant respectfully traverse the Office Action's assertion that the applied references show, describe, teach, or suggest structurally and electromagnetically isolated stator core elements, or structurally and electromagnetically isolated groups of stator core elements. Li at Fig. 8 shows a misidentified "rotor" 3B to be single-piece structure with a number of teeth 31B formed on an inner side with each holding an electromagnet. *See* Li at col. 4, lines 22-25. Because Li uses a single-piece structure to support teeth 31B, Li does not show or describe groups of stator cores that are structurally isolated from other groups. Li at Fig. 8 also shows that "rotor" 3B is formed of a magnetically-continuous structure because it is made of "a stack of silicon steel plates." *See* Li at col. 4, lines 22-25. Li thus does not show or describe groups of stator cores that are electromagnetically isolated from other groups. The other applied references fail to remedy the deficiencies of Li.

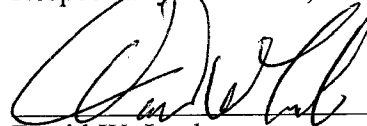
## **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration of this Application and the prompt allowance of pending claims 7 and 10-38.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

The Commissioner is hereby authorized by this paper to charge any fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-3840. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).**

Respectfully submitted,



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